FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.427 OF 1997
(Shri Sitaram Dharmrao Walikar Vs. The State & ors)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr C.K.Bhangogi with Mr R.K.Mendadkar for the petitioner.
Mr C.R.Sonawane, for R.Nos 1,2 & 5.
Mr G.S.Hegde, for R.No.4
None for respondent no.3.

CORAM: V.G.PALSHIKAR,Ag.C.J.& D.B.BHOSALE,J.
DATED: 21.11.2005

P.C.:

Request for adjournment rejected.

By this petition, the petitioner has impugned the order dated 26.8.1996 passed by the caste scrutiny committee, Pune invalidating the caste certificate of the petitioner.

We have scrutinised the impugned order which is at Exhibit-B. It is a well reasoned order which takes into consideration all the documents filed by the petitioner and on appreciation of that evidence it has come to the conclusion that the certificate of the petitioner's caste cannot be validated. It is a case before the findings of fact

recorded on available evidence which cannot be termed as inadequate or irrelevant. Jurisdiction of this Court to interfere in such cases is extremely limited and none of the grounds for interference in the impugned order is made out by the petitioner. It was then the contention of the petitioner that he is entitled to the benefit of the Government resolution dated 15.6.1995 but his selection had taken place prior to 15.6.1995. What has been protected by the Government Resolution is the service and not the selection. Though the petitioner was factually selected for being appointed, the appointment having not come prior to 15.6.1995 it cannot be said that he was in the service of the respondent-Corporation on the said date,i.e. 15.6.1995. There is, therefore, no case made out for interference. The petition rejected.